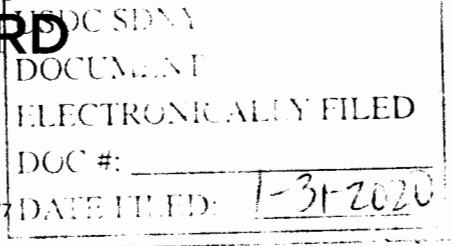


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**MEMO ENDORSED** January 28, 2020

By ECF

Hon. Laura Taylor Swain  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Richardson v. Abernathy, et al.*, No. 16 Civ. 6296 (LTS)  
*Richardson v. Falk, et al.*, No. 16 Civ. 6297 (LTS)

Dear Judge Swain:

The parties to the above-referenced actions (the "Derivative Actions") jointly and respectfully request that the Court continue the stays and adjourn the Initial Pretrial Conferences set for February 21, 2020 (Dkt. No. 47 in No. 16 Civ. 6296 (LTS) and Dkt No. 51 in No. 16 Civ. 6297 (LTS)) in light of the pending appeal of the related shareholder securities class action captioned *Jackson v. Avanos Medical, Inc., et al.*, No. 16 Civ. 5093 (LTS) (S.D.N.Y.) (the "Related Securities Action").

On October 4, 2016, the Court stayed all proceedings and deadlines in the Derivative Actions pending the earlier of any of the Defendants in the Related Securities Action answering the operative complaint or the Related Securities Action being dismissed with prejudice. (Dkt. No. 20 in No. 16 Civ. 6296 (LTS), and Dkt. No. 25 in No. 16 Civ. 6297 (LTS)). On March 30, 2018, the Court dismissed the Related Securities Action with prejudice, and on April 27, 2018, Lead Plaintiff moved for Relief from Judgment and For Leave to Amend (the "Post-Judgment Motion"). (Dkt. Nos. 80, 83-85 in No. 16 Civ. 5093 (LTS)). On March 31, 2019, the Court denied the Post-Judgment Motion, and on May 1, 2019, Lead Plaintiff filed a Notice of Appeal to the United States Court of Appeals for the Second Circuit ("Appeal").

On August 14, 2019, Lead Plaintiff filed his opening appellant brief. [Dkt. Nos. 30 in the Appeal.] On November 13, 2019, Defendants filed their appellees' briefs. [Dkt. Nos. 48 and 50 in the Appeal.] On December 4, 2019, Lead Plaintiff filed his reply appellant brief. [Dkt. No. 61 in the Appeal.] The Appeal is now fully-briefed and oral argument, if any, has not yet been scheduled.

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In light of the pending Appeal in the Related Securities action, the parties respectfully submit that the Initial Pretrial Conferences scheduled for February 21, 2020 in the Derivative Actions are not yet necessary and may be adjourned.

This is the parties' fifth request to adjourn the Initial Pretrial Conference dates. The parties previously requested that the Court adjourn the Initial Pretrial Conference dates of October 19, 2018, January 25, 2019, April 5, 2019 and August 2, 2019, which the Court granted. (See Dkt. Nos. 40-47 in 16 Civ. 6296 and Dkt. Nos. 44-51 in 16 Civ. 6297.)

The parties further jointly request that the Court continue the stays in the Derivative Actions until the appeal is resolved, and that all other terms of the October 4, 2016 Stay Orders remain in place.

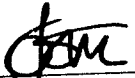
Respectfully submitted,

/s/ John A. Jordak, Jr.

John A. Jordak, Jr.  
Counsel for Defendants in *Richardson v. Abernathy, et al.*, No. 16 Civ. 6296 (LTS)

cc: All counsel of record (by ECF)

The requests are granted. The  
conferences are adjourned to  
September 11, 2020, at 2:00 pm.  
DE # 48 resolved in 16 CV 6296.  
DE # 52 resolved in 16 CV 6297.  
This endorsed order to be docketed in both cases.  
SO ORDERED:

 1/31/20  
\_\_\_\_\_  
HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE